

**MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT**

**DATE: MONDAY, MARCH 20, 2023
COUNCIL CHAMBERS
TIME: 6:30 p.m.**

**THERE IS A PUBLIC HEARING TONIGHT
RESOLUTION NO. 4 – 2023
5:30 P.M.**

- 1. ROLL CALL**
- 2. INVOCATION BY COUNCILMAN TED HERNCANE**
- 3. PLEDGE OF ALLEGIANCE**
- 4. READING OF THE JOURNAL**
- 5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**
- 6. NEW AND MISCELLANEOUS BUSINESS**
- 7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS**

ORDINANCE NO. 22 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Allison Merry to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Caffeine & Gunpowder, located at 155 Lincoln Way W., Suite A-096, Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 23 – 2023

BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the Massillon Police Department Renovation Project, all in accordance with Sections 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

ORDINANCE NO. 24 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the Erie Street South Improvement Project, and declaring an emergency.

ORDINANCE NO. 25 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with the selected firm, Environmental Design Group, based on the City of Massillon Quality Based Selection (QBS) process, upon the approval of the Board of Control, for the inspection of the Erie Street South Improvement Project, and declaring an emergency.

ORDINANCE NO. 26 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1212 Summer Concert Series Fund, for the year ending December 31, 2023, and declaring an emergency.

ORDINANCE NO. 27 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Construction M & R Fund, for the year ending December 31, 2023, and declaring an emergency.

ORDINANCE NO. 28 – 2023

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one-year contract between the City of Massillon, Ohio, and the Board of Stark County Commissioners for the housing of City of Massillon, Ohio, Codified Ordinance prisoners at the Stark County Jail, and declaring an emergency.

8. UNFINISHED BUSINESS

9. PETITIONS AND GENERAL COMMUNICATIONS

A Request for the Transfer of a Liquor License from Starway Lounge LLC, 1st and 2nd Floor and Patio, located at 49 Lincoln Way E., Massillon, Ohio 44646 to Smitty's Steak and Ale LLC, 1st and 2nd Floor and Patio, located at 49 Lincoln Way E., Massillon, Ohio 44646. Permit Classes are D1, D2, D3 and D3A and is located in Ward 2.

10. BILLS, ACCOUNTS AND CLAIMS

US Bank Equipment Finance	-	\$ 133.35	March Payment for Copier
Copley Ohio Newspapers	-	<u>1,588.34</u>	Publication of Dec. & Jan. Ordinances
	-	\$1,721.69	

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report	-	February 2023
Mayor's Report	-	February 2023
Auditor's Report	-	February 2023

12. REPORTS OF COMMITTEES

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCES AND RESOLUTIONS

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 15 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Carolyn Worthen to provide an economic development "inducement grant" to fund start-up costs including build-out, equipment, etc. for Little Sprouts – West, located at 2112 Lincoln Way W., Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 17 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, to add three (3) new positions within the 705 – 730 HEALTH DEPARTMENT, and declaring an emergency.

RESOLUTION NO. 4 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

A RESOLUTION approving the decision of the Massillon Board of Zoning Appeals in Case No. 2023-2.

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

DIANE ROLLAND – CLERK OF COUNCIL

DATE: MARCH 20, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 22 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Allison Merry to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Caffeine & Gunpowder, located at 155 Lincoln Way W., Suite A-096, Massillon, Ohio, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Allison Merry desires to renovate Caffeine & Gunpowder, located at 155 Lincoln Way W., Suite A-096, Massillon, Ohio, and,

WHEREAS, the City of Massillon proposes to assist owner, Allison Merry with an economic development “inducement grant”, for the purpose of assisting with start-up costs, including build-out, equipment, etc. for Caffeine & Gunpowder.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

This Council hereby authorizes and directs the Mayor to enter into an agreement with Carolyn Worthen to provide an economic development “inducement grant”, in a total amount not to exceed Eight Thousand Dollars and Zero Cents (\$8,000.00), for the purpose of assisting with start-up costs including build-out, equipment, etc., for Caffeine & Gunpowder, located at 155 Lincoln Way W., Suite A-096, Massillon, Ohio.

DATE: MARCH 20, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 23 – 2023

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the Massillon Police Department Renovation Project, all in accordance with Sections 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to advertise for, receive, and evaluate Statements of Qualifications and to negotiate and enter into contract(s) for the design and the inspection of the Massillon Police Department Renovation Project, all in accordance with Sections 153.65 to 153.73 of the Ohio Revised Code and the City of Massillon Qualifications-Based Selection (QBS) Process.

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

DATE: MARCH 20, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 24 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and to enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the Erie Street South Improvement Project, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to advertise for and receive sealed bids and enter into a contract with the lowest and best bidder, upon the approval of the Board of Control, for the Erie Street South Improvement Project. The current project construction price is Nine Hundred Forty-Eight Thousand, Eight Hundred Seventy Dollars and Ninety-Five Cents (\$948,870.95) of which 75%, Seven Hundred Ten Thousand, One Hundred Ten Dollars and Zero Cents (\$710,110.00) is provided by a grant from Ohio Department of Transportation; ODOT (SCATS). The City is responsible for 25%, Two Hundred Thirty-Eight Thousand, Seven Hundred Sixty Dollars and Ninety-Five Cents (\$238,760.95), to be paid from previous allocated American Rescue Plan Act (ARPA) funding.

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

DATE: MARCH 20, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 25 – 2023

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with the selected firm, Environmental Design Group, based on the City of Massillon Quality Based Selection (QBS) process, upon the approval of the Board of Control, for the inspection of the Erie Street South Improvement Project, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract with the selected firm, Environment Design Group, based on the City of Massillon Quality Based Selection (QBS) process, upon the approval of the Board of Control, for the inspection of the Erie Street South Improvement Project. The current inspection price is Sixty-Nine Thousand, Eight Hundred Eighty-Eight Dollars and Zero Cents (\$69,888.00), to be paid from previous allocated American Rescue Plan Act (ARPA) funding.

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

DATE: MARCH 20, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 26 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1212 Summer Concert Series Fund, for the year ending December 31, 2023, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

There be and hereby appropriated from the unappropriated balance of the 1212 Summer Concert Series Fund, for the year ending December 31, 2023, the following:

\$ 10,000.00 to an account entitled "Services and Contracts" - 1212.505.5.2392

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to allow for timely payments of concert related expenses. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: MARCH 20, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 27 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 1201 Street Construction M & R Fund, for the year ending December 31, 2023, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

There be and hereby appropriated from the unappropriated balance of the 1201 Street Construction M & R Fund, for the year ending December 31, 2023, the following:

\$ 20,000.00 to an account entitled "Services and Contracts"	-	1201.435.5.2392
<u>30,000.00</u> to an account entitled "Guardrail Repairs"	-	1201.435.5.2397
\$ 50,000.00 Total		

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to release the established funder for expenses related to guardrail repairs and tree clearing. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: MARCH 20, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 28 – 2023

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a one-year contract between the City of Massillon, Ohio, and the Board of Stark County Commissioners for the housing of City of Massillon, Ohio, Codified Ordinance prisoners at the Stark County Jail, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The Director of Public Service and Safety is hereby authorized and directed to enter into a one-year contract between the City of Massillon, Ohio, and the Board of Stark County Commissioners for the housing of City of Massillon, Ohio, Codified Ordinance prisoners at the Stark County Jail. Agreement is attached hereto as Exhibit "A".

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, Ohio; the emergency being to meet the City's operational needs by allowing the contract to be enacted immediately. The contract was received by the Massillon Law Director's office on February 24, 2023. Provided this Ordinance receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECOND READING

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 15 – 2023

BY: ECONOMIC DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Carolyn Worthen to provide an economic development “inducement grant” to fund start-up costs including build-out, equipment, etc. for Little Sprouts – West, located at 2112 Lincoln Way W., Massillon, Ohio, and declaring an emergency.

WHEREAS, the City of Massillon carries out a variety of economic development programs designed to promote the creation and expansion of business and industry in the community; and

WHEREAS, Carolyn Worthen desires to renovate Little Sprouts - West, located at 2112 Lincoln Way W., Massillon, Ohio, and,

WHEREAS, the City of Massillon proposes to assist owner, Carolyn Worthen with an economic development “inducement grant”, for the purpose of assisting with start-up costs, including build-out, equipment, etc. for Little Sprouts – West.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

This Council hereby authorizes and directs the Mayor to enter into an agreement with Carolyn Worthen to provide an economic development “inducement grant”, in a total amount not to exceed Five Thousand Dollars and Zero Cents (\$5,000.00), for the purpose of assisting with start-up costs including build-out, equipment, etc., for Little Sprouts – West, located at 2112 Lincoln Way W., Massillon, Ohio.

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

ORDINANCE NO. 17 – 2023

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ordinance No. 127 – 1997, to add three (3) new positions within the 705 – 730 HEALTH DEPARTMENT, and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ord. No. 127 – 1997 is hereby amended.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES of Ord. No. 127 – 1997 is hereby amended to:

(SEE ATTACHMENT “A”, A LETTER FROM THE MASSILLON HEALTH DEPARTMENT AND ATTACHMENT “B”, THE OCCUPATION LIST OF CLASS TITLES 705 – 730 HEALTH DEPARTMENT; PAGE 9)

Section 3:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

DATE: MARCH 6, 2023

CLERK: DIANE ROLLAND

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
CLAUDETTE O. ISTNICK, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE BRANCH

RESOLUTION NO. 4 – 2023

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION approving the decision of the Massillon Board of Zoning Appeals in Case No. 2023-2.

WHEREAS, Huth Ready Mix & Supply Company, on November 23, 2022, filed an appeal with the Massillon Board of Zoning Appeals of the Cease-and-Desist Order issued by the Zoning Official on November 16, 2022 pursuant to Massillon Cod. Ord. 1129.03(a);

WHEREAS, a public hearing was held by the Massillon Board of Zoning Appeals on said appeal on January 12, 2023 in accordance with Massillon Cod. Ord. Chapter 1129 pursuant to proper notice for which the Huth Ready Mix & Supply Company appeared with counsel, and after consideration of the information and testimony presented at the public hearing, the Board voted to deny Huth Ready Mix & Supply Company's appeal and uphold the Cease-and-Desist Order issued by the Zoning Official on November 16, 2022;

WHEREAS, during a special meeting of the Massillon Board of Zoning Appeals on February 23, 2023 pursuant to proper notice, the Massillon Board of Zoning Appeals adopted BZA Resolution Case No. 2023-2 in accordance with the requirements of R.C. § 2506.03 memorializing its decision to deny Huth Ready Mix & Supply Company's appeal and uphold the Cease and Desist Order issued by the Zoning Official on November 16, 2022, approving the transcript containing a report of all evidence admitted or proffered by Huth Ready Mix & Supply Company and considered by the Massillon Board of Zoning Appeals in rendering its decision in Case No. 2023-2, and adopting conclusions of fact supporting the final decision of the Massillon Board of Zoning Appeals denying the appeal in Case No. 2023-2;

WHEREAS, on February 24, 2023, written notice was served upon Huth Ready Mix & Supply Company of the Massillon Board of Zoning Appeals' decision denying Huth Ready Mix & Supply Company's appeal and upholding the Cease and Desist Order issued by the Zoning Official on November 16, 2022, including a copy of BZA Resolution Case No. 2023-2, the transcript containing a report of all evidence admitted or proffered by Huth Ready Mix & Supply Company and considered by the Massillon Board of Zoning Appeals' in rendering its decision in Case No. 2023-2, and true and